

Applicant : Andrew Eric Carlson
Serial No. : 09/940,076
Filed : August 27, 2001
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Attorney's Docket No.: 09712-119001 / Z-265

REMARKS

Claims 21-32 are pending. Claims 21 and 32 are the independent claims. No claim is amended in this Reply.

All claims stand rejected as obvious over Sommargren (U.S. 4,746,216). The rejection is based on the Action's assertion that it would be obvious to modify the structure in Sommargren to combine tilted shear plate 16 with polarizing beam splitter 40 into an integral block (page 3 of Action).

Applicant's representative Marc Wefers discussed the rejection with Examiner Lyons during a telephone interview on September 9, 2004. In a follow-up voicemail to Marc Wefers on September 28, 2004, Examiner Lyons said that he agreed that the rejection should be withdrawn, and that in the event he uncovered new prior art that rendered the pending claims unpatentable he would reopen prosecution by issuing a non-final action. The Examiner did require that we submit our argument for distinguishing the rejection in a formal Reply. Our argument follows below.

Even if, for the sake of argument only, it were obvious to modify the structure in the Sommargren as proposed in the Action, the resulting structure still fails to disclose all of the elements of independent claims 21 and 32.

Specifically, Sommargren does not teach or suggest "a polarizing beam splitting interface ... positioned relative to the common face of the block to separate each intermediate beam into a measurement component and a reference component having different polarizations," as recited in claims 21 and 32. The Action points to polarizing coating 42 in Sommargren as meeting this limitation. However, polarizing coating 42 never "separate[s] each intermediate beam into a measurement component and a reference component having different polarizations," as required by the independent claims.

To the contrary, Figure 1 in Sommargren shows that the beams emerging from tilted shear plate 16 are both transmitted by polarizing coating 42, then both twice-reflected by it, and then both transmitted by it. Also see Sommargren at 3:69-5:1, 4:10-12, 4:13-15, and 4:23-26.

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Indeed, to the extent Sommargren separates a beam "into a measurement component and a reference component having different polarizations," as claimed, such separation is produced by tilted shear plate 16, not by polarizing coating 42 - "The function of shear plate (16) is to spatially separate the two polarization components [of input beam 12] using conventional polarization techniques" (Sommargren at 3:47-49).

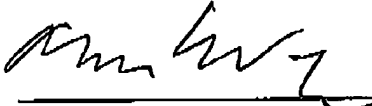
Because polarizing coating 42 never separates each beam from tilted shear plate 16 into components having different polarizations, we submit that Sommargren does not teach or suggest "a polarizing beam splitting interface ... positioned relative to the common face of the block to separate each intermediate beam into a measurement component and a reference component having different polarizations," as recited in claims 21 and 32 (emphasis added).

Dependent claims 22-31 distinguish Sommargren for at least the same reasons as independent claims 21 and 32.

Enclosed is a Petition for One-Month Extension of Time. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 09712-119001.

Respectfully submitted,

Date: 9/30/04



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*See attached document certifying that Marc M. Wefers has limited recognition to practice before the U.S. Patent and Trademark Office under 37 C.F.R. § 10.9(b).

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